

AMENDED IN SENATE MAY 20, 2002
AMENDED IN SENATE JANUARY 18, 2002
AMENDED IN SENATE JULY 2, 2001
AMENDED IN ASSEMBLY MAY 31, 2001
AMENDED IN ASSEMBLY MAY 15, 2001
AMENDED IN ASSEMBLY MAY 1, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 885

Introduced by Assembly Member Daucher

February 22, 2001

An act to add Section 46300.8 to the Education Code, relating to public schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 885, as amended, Daucher. Average daily attendance: Internet classroom.

Existing law prescribes the method for computing average daily attendance of pupils under the direct supervision, as defined, of school district personnel for the purpose of determining school district apportionments.

This bill would, notwithstanding any provision of law, for the purposes of an online classroom program conducted over the Internet, as defined, in a secondary school, include as “immediate supervision,” pupil participation in an online asynchronous interactive curriculum, as defined, provided by certificated school personnel, and would require

schools that provide an online asynchronous interactive curriculum to meet certain requirements. The bill would permit courses other than high school courses to be eligible for online classroom programs only pursuant to a waiver from the State Board of Education.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. *The Legislature finds and declares all of the*
2 *following:*

3 (a) *California suffers from a shortage of teachers.*

4 (b) *Many schools are unable to provide advanced placement*
5 *courses to their pupils.*

6 (c) *Many schools have difficulty providing courses in*
7 *hard-to-staff subject areas.*

8 (d) *California has a diverse pupil population of varying*
9 *learning styles.*

10 SEC. 2. Section 46300.8 is added to the Education Code, to
11 read:

12 46300.8. (a) (1) Notwithstanding any other provision of
13 law, for the purposes of an online classroom program conducted
14 over the Internet in a secondary school, “immediate supervision”
15 includes pupil participation in an online asynchronous interactive
16 curriculum provided by a certificated teacher. The certificated
17 teacher responsible for the program shall be online and accessible
18 to the pupil on a daily basis to respond to pupil queries, assign
19 tasks, and dispense information. The course shall be approved by
20 the governing board of the school district.

21 (2) For purposes of this section, an “asynchronous interactivity
22 curriculum” is a curriculum whereby the pupils and teacher
23 interact using online resources, including, but not limited to,
24 discussion boards, Web sites, e-mail. However, the pupil and
25 teacher need not necessarily be online at the same time.

26 (3) For purposes of this section, “internet” means the global
27 information system that is logically linked together by a globally
28 unique address space based on the Internet Protocol (IP), or its
29 subsequent extensions, and that is able to support communications
30 using the Transmission Control Protocol/Internet Protocol
31 (TCP/IP) suite, or provides, uses, or makes accessible, either

1 publicly or privately, high level services layered on the
2 communications and related infrastructure described in this
3 paragraph.

4 (b) A pupil participating in an online program pursuant to this
5 section shall not be credited with more than a total of one day of
6 attendance per calendar day or for more than a total of five days
7 of attendance per a calendar week.

8 (c) The total number of pupils participating in any given online
9 classroom program pursuant to this section shall not exceed the
10 average class size for similar courses in high schools of the school
11 district offering the online classroom program.

12 (d) A teacher may teach pupils in one or more online courses
13 pursuant to this section only if the teacher concurrently teaches the
14 same course to pupils in a traditional in-classroom setting at the
15 providing high school or has done so previously within the
16 immediately preceding two-year period. The curriculum and
17 activities shall be the same for the online course as for the
18 traditional in-classroom course.

19 (e) Any teacher teaching in an online classroom program shall
20 hold the appropriate credential.

21 (f) A school district offering an online course may contract
22 with an other school district to provide the online course to pupils
23 of the offering school district. Contract terms shall be determined
24 by mutual agreement of the school districts. School districts that
25 provide online courses pursuant to the contract, shall contract
26 directly with the offering school district and shall not enter into
27 direct contracts with the pupils of the offering school district.

28 (g) Statewide testing results for online pupils shall be reported
29 to the home school district of the pupil.

30 (h) Only high school courses shall be eligible for online
31 classroom programs. School districts may, however, apply for a
32 waiver from the State Board of Education to teach online courses
33 to pupils in additional grade levels, and the state board may grant
34 the waiver.

35 (i) A pupil shall not be assigned to an online course unless the
36 pupil voluntarily elects to participate in the online course. The
37 parent or guardian of the pupil shall provide written consent before
38 the pupil may participate in an online course.

39 (j) A pupil may take up to two online courses per semester
40 provided that the pupil is concurrently enrolled in traditional

1 in-classroom courses. The governing board of a school district
2 may waive this requirement for pupils who are unable to attend
3 regular courses at a schoolsite.

4 (k) A school district that chooses to offer an online course, or
5 to contract pursuant to subdivision (f) to provide an online course,
6 shall develop policies addressing all of the following factors: test
7 integrity, evaluation of the online courses including a comparison
8 with a traditional in-classroom courses, a procedure for attaining
9 informed consent from both the parent and pupil regarding course
10 enrollment, the teacher selection process, criteria regarding pupil
11 priority for online courses, equity and access in terms of hardware
12 or computer laboratories, teacher training for online teaching,
13 teacher evaluation procedures, criteria for asynchronous learning
14 including the type and frequency of the contact between pupil and
15 teacher, pupil computer skills necessary to take an online course,
16 and the provision of onsite support for online pupils.

17 (l) School districts that provide online classroom programs
18 shall verify that online pupils take examinations by proctor or that
19 other reliable methods are used to ensure test integrity and that
20 there is a clear record of pupil work, using the same method of
21 documentation and assessment as in a traditional in-classroom
22 course.

23 ~~(m) A school district that provides, or contracts pursuant to~~
24 ~~subdivision (f) for the provision of, an online course shall collect~~
25 ~~all of the following data for use in its course evaluation and for~~
26 ~~possible state use: the number of pupils taking the online course,~~
27 ~~the class size, the completion rates, the grades, the results of the test~~
28 ~~administered pursuant to Article 4 (commencing with Section~~
29 ~~60640) of Chapter 5 of Part 33 for the pupils enrolled in online~~
30 ~~courses compared to other pupils, the cost per pupil, the estimated~~
31 ~~number of hours spent on instruction by the teacher, the estimated~~
32 ~~number of hours spent on the online course by pupils, the teacher~~
33 ~~contacts per week with pupils, the average daily attendance~~
34 ~~generated from online courses, the pupil loads per teacher, the~~
35 ~~pupils completing a course that would not have otherwise been~~
36 ~~available to the pupil, the impact on pupil graduation, the regional~~
37 ~~occupational center or program certifications earned.~~

38 (m) A school district that provides online classroom programs
39 shall maintain records to verify the time that a pupil spends online
40 and related activities in which a pupil is involved. The school

1 *district shall also maintain records verifying the time the instructor*
2 *was online.*

3 (n) Minutes of pupil participation in online courses complying
4 with subdivisions (a) to (m), inclusive, shall qualify for average
5 daily attendance purposes within the structure of the 240 minute
6 schoolday as set forth in Section 46113. Regional occupational
7 programs may offer or contract with school districts to provide
8 online courses; however, the minutes of pupil participation in
9 those courses shall not be counted for average daily attendance
10 purposes.

11 (o) *The purposes of online classroom programs conducted*
12 *pursuant to this section include all of the following:*

13 (1) *Providing expanded educational opportunities for pupils*
14 *attending schools with limited educational offerings.*

15 (2) *Reaching out to pupils in schools where advanced*
16 *placement courses are not available.*

17 (3) *Providing quality educational services in courses for*
18 *hard-to-staff subject areas in schools where a shortage of teachers*
19 *make these classes unavailable.*

20 (4) *Ensuring that courses provided over the Internet are at least*
21 *as challenging as courses provided in a traditional educational*
22 *setting.*

23 (5) *Ensuring high teacher quality for online classroom*
24 *purposes.*

25 (6) *Ensuring pupil testing integrity for online classroom*
26 *purposes.*

27 (7) *Ensuring accountability for the purposes of verifying the*
28 *active involvement of all pupils participating in courses provided*
29 *over the Internet.*

30 (p) *For each online class provided pursuant to this section, the*
31 *governing board of a school district shall make findings of*
32 *compliance with this section, including, but not limited to, the*
33 *immediate supervision requirement.*

